

Mark J. Langer,
Clerk for the Court
United States Court of Appeals
For the District of Columbia

William (Bill) D. Peterson, with
Pigeon Spur SNF Disposal Facility,
300-Year SNF Disposal Plan,
3-Year Fuel Independence Plan, &
Deficit Recovery Institute
68 West Malvern Ave,
So Salt Lake City, Utah 84115-3025,
Tel 801-487-0786,
Email Engineer.Peterson@gmail.com
Email Petterson-68@comcast.net

Request to Clerk of Court of Appeals for clarification of Court's position
Ref:, the Courts July 9th 2004, order in Case 01-1258 as referenced in 10-1007

In Peterson's Case No. 10-1007, the U.S. Court of Appeals for the District of Columbia order has left determination in limbo of what Department in the U.S. Government is responsible for determining and specifying how spent nuclear fuel (SNF) is to be disposed of, whether it be the Environmental Protection Agency (EPA), or U.S. Department of Energy (DOE).

So now the U.S. Government now does not have a ¹⁾designated responsible Department working on disposal of SNF, ²⁾a place for its storage, ³⁾a plan for its disposal, ⁴⁾a plan for independence from foreign oil, ⁵⁾a plan to turn the deficit around. America economic deficit is its imbalance of trade. Half of the deficit is the U.S. importation of oil. The Congress cannot get ⁶⁾a plan to fix the situation where congress is all caught up in getting re-elected, so can't face real and tough problems that they can't explain hurts the public.

To fix fuel and the economy ¹⁾Peterson proposes ²⁾Pigeon Spur and other sites, ³⁾the 300-year SNF permanent disposal plan, ⁴⁾a 3-year plan which will have nuclear-hydrogen replacing oil, and ⁵⁾balancing trade to stop growth of the deficit,. ⁶⁾Peterson proposes one or two term maximum term limits to fix the Congress so it will work for the Country and not just re-election.

The U.S. Government did not object to Peterson's proposals, or offer any alternative. To make progress, Peterson proposed four studies to be done by the National Academies of the Sciences to make a report to the Court and the Congress to make everything clear as to what Peterson is proposing, so that a plan can be had, considered, adopted by the EPA, DOE, NRC, the Congress.

In the first issue, the Government's oversight, in Peterson's pleadings in Case No. 10-1007 he requested a resurgence of the Courts April 9, 2004 order in its Case No. 10-1258. In that order it is Peterson view that the Court wrote that the U.S. Environmental Protection Agency (EPA) in consideration of input from the National Academies of the Sciences (NAS) is the U.S. Government Agency and designee of the Congress to determine how spent nuclear fuel (SNF) is to be disposed of, not the U.S. Department of Energy (DOE). No one, not the EPA, DOE, not the Nuclear Regulatory Commission (NRC), and even not the Congress has confirmed Peterson's interpretation. On this issue the Government progress for what to do with SNF is now stymied. Peterson has moved for the Court to affirm its stand. The Court did not do it.

For SNF storage and its disposal, the DOE has been working for many years exclusively on Yucca Mountain (YM), so would not consider what Peterson was proposing and had to be done. It is Peterson's stand that SNF has to be separated into three parts, transuranics, fission wastes, and its U_{238} uranium. The transuranics are put with new fuel and consumed in Fast Nuclear Reactors. In 300 years 99.999% (5-9s) pure fission wastes are low level wastes Class-C, and the 96% of SNF that is U_{238} is simply stock-piled to be used in the future for nuclear fuel. Peterson calls this his 300-year SNF permanent disposal solution. So for 13 years Peterson has been saying that deep geological burial is not a suitable solution for SNF. Now, DOE apparently has the same opinion, as Secretary Chu has ordered termination of development of YM.

For 27 years Peterson has proposed his Pigeon Spur RR siding site, and for 13 years his 300-year permanent SNF disposal solution, Peterson should have been provided with finding from the Nuclear Waste Fund to do these things, but the wrong agency DOE, was focused on the wrong solution, and the wrong place. How does the Court propose EPA is to step in?

As in Peterson's pleading, Peterson asks that the court reaffirm, clarify, and make certain that its July 9th 2004, order in Case No. 12-1258 order that it is EPA who is responsible for determining how and where SNF is disposed of, not DOE. Or otherwise designate DOE, but not leave the matter in limbo.

In the six year period of 1989 to 1995, Peterson told America's Congressman that he had done studies that showed that the U.S. must balance trade, and if it didn't, the U.S. and many other countries in the World would become bankrupt. It's obvious, money

leaving a country for purchasing foreign goods and services in excess of the money coming back in commerce is deficit. The Government's replacement of money for imbalance of trade is its deficit. Deficit money has to stop leaving the country or come back from where it went. Not admitting this is Congress's twist on the Emperor's new clothing story.

About half of America's imbalance of trade, i.e. its deficit is its purchasing of oil from 90+ foreign nations. Like the U.S., other nations require their own fuel. Fuel will require energy to manufacture. To replace oil for American's transportation vehicles will require the power of 500 nuclear power plants making electricity for power to separate hydrogen out of water. In vehicle engines, hydrogen will be burned back to water. So SNF from nuclear power plants will have to be disposed of by Peterson's 300-year SNF permanent disposal solution. In this way America can have its own fuel, and so America will not have to import foreign oil, to fix half the deficit, according to Peterson's Deficit Recovery Institute (DRI) Rules.

In his pleadings Peterson asks for, and still needs established, that in a discretionary review according to the Court's July 9th, 2004, order in Case No. 01-1258, it is EPA not DOE that is responsible for how and where SNF is disposed of, and which, any or all, of the 12 U.S. Government entities Peterson listed as defendants, and the Congress, which of them is responsible to issue requirements and enforce regulation of international trade and control the national coin per Section 8, parts 3 and 5 of the U.S. Constitution.

Peterson has petitioned for the Court's answers to these questions. It would be helpful to Peterson and everyone to have answers in continuing work for independence from foreign oil. His plan is in 3-years to have the nation's transportation sector operating 10% on hydrogen, 40% natural gas, and 50% using domestic oil. This could achieve balanced trade, i.e. U.S. Deficit Recovery for the most challenging half of international trade, in total now being \$6 billion dollars per day, and increasing.

The Nuclear Utilities need a disposal solution for SNF, not their money back and damages. The \$26 billion dollars still in the SNF Waste Fund would more than pay for four or five 300-year SNF disposal operational sites and enable major needed growth in nuclear power which can turn around and end the current \$6 billion dollars per day in imbalanced trade and deficit.

Please, would the Court consider what of this it can, any part of this. All of this has to be done. If not done here in this Court, how will it get done. In this Case there is no opposition to these things. Who's to oppose it? The Congress will not do these things. Department of Government won't. The salvation of our nation is now in the hands of this Court.

Dated this 29th of September, 2011.

William (Bill) D. Peterson II, P.E., M.S., N.E, O.R.A.

cc:

Jared J. Brown, for Senator Orrin Hatch

Tim Frazier, President's Blue Ribbon Commission on Nuclear Energy